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John Faulkner, Julie Williams,
Michael Minev, Jaymie Cabrera
and Brian Williams*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DAVID A. HANO,

Plaintiff,

v.

STATE OF NEVADA, EX REL NEVADA
DEPARTMENT OF CORRECTIONS, *et*
al.,

Defendants.

Case No. 2:19-cv-02246-GMN-EJY

**STIPULATION AND ORDER FOR
EXTENSION OF DISCOVERY TO
CONDUCT DEPOSITION
[FIRST REQUEST]**

Plaintiff, David A. Hano, and Defendants Gregory Bryan, John Faulkner, Julie Williams, Michael Minev, Jaymie Cabrera and Brian Williams, by and through their respective counsels, hereby submit their joint Stipulation and Order for Extension Of Discovery To Conduct Deposition [First Request]. This Motion is made pursuant to the Federal Rule of Civil Procedure 6(b)(1)(A), and it is based upon the following Memorandum of Points and Authorities and all other pleadings and files contained herein.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. NATURE OF THE MOTION

Good cause exists to extend the discovery deadline to permit Plaintiff to complete the deposition of Defendant Gregory Bryan on November 4, 2024. The parties are not seeking an extension on any other discovery or case deadline.

II. BRIEF STATEMENT OF THE CASE

Plaintiff filed a civil rights complaint alleging Eighth Amendment deliberate indifference to serious medical needs claim against defendants.¹ On June 18, 2024, this Court issued an amended scheduling order and set the following deadlines in this matter:²

- Discovery cutoff: October 25, 2024
- Dispositive motions: November 27, 2024
- Joint proposed pretrial order: December 30, 2024, or 30 days after resolution of dispositive motions.

Counsel for both parties have been diligently working to complete discovery and will have everything completed except for the deposition of Gregory Bryan which has been scheduled for November 4, 2024.

III. DISCUSSION

Pursuant to Fed. R. Civ. P. 6(b)(1)(A), the court may, for good cause, extend the time in which an act must be done if a request is made before the original time or its extension expires. The proper procedure, when additional time for any purpose is needed, is to present to the Court a request for extension of time before the time then fixed for the purpose in question has expired.³ Extensions of time may always be asked for and usually are granted on a showing of good cause if timely made under subdivision (b)(1) of the Rule.⁴ Under Local Rule 26-3, “[a] motion or stipulation to extend any date set by the discovery plan, scheduling order, or other order must ... be supported by a showing of good cause for the

¹ ECF No. 213.

² ECF No. 219.

³ *Canup v. Mississippi Val. Barge Line Co.*, 31 F.R.D. 282 (W.D.Pa.1962)

⁴ *Creedon v. Taubman*, 8 F.R.D. 268 (N.D.Ohio 1947)

1 extension.” In addition, “[a] request made within 21 days of the subject deadline must be
2 supported by a showing of good cause.”⁵ A request made after the expiration of the subject
3 deadline will not be granted unless the movant also demonstrates that the failure to act
4 was the result of excusable neglect.⁶

5 At this time, the discovery completed includes defendants sending exchanging initial
6 disclosures. Neither party disclosed any experts. Plaintiff has sent interrogatives and
7 requests for production that are due on October 25, 2024. Defendants will provide responses
8 by that date. Additionally, the deposition for John Faulker has been set up for October 17,
9 2024. Plaintiff wants to take the deposition of Dr. Gregory Bryan. Due to scheduling issues
10 regarding travel and work assignments, the earliest that Dr. Bryan is able to attend a
11 deposition would be November 4, 2024.

12 The parties submit that the facts and the argument contained herein constitute good
13 cause to extend the discovery deadlines to allow this deposition outside of the current
14 deadline for discovery. The parties are diligently prosecuting this case and have a positive
15 working relationship.

16 The parties’ Motion is made in good faith, without dilatory motive, does not cause
17 undue delay, and provides efficient sequencing of deadlines. This request for additional
18 time is outside the 21-day requirement under Local Rule 26-3.

19 The parties are not seeking a change to any of the other deadlines in this case.

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27 ⁵ Local Rule 26-3.

28 ⁶ *Id.*

1 **IV. CONCLUSION**

2 Based upon the foregoing, the parties respectfully submit that their joint Stipulation
3 and Order for Extension of Discovery To Conduct Deposition meets good cause and should
4 be granted.

5 DATED this 14th of October, 2024. DATED this 14th of October, 2024.

6 AARON D. FORD
7 Attorney General

8 By: /s/ Alex He
9 Alex He, Esq. (Bar No. 15054
Curriden
10 *Attorneys for Plaintiff*

By: /s/ Nathan M. Claus
Nathan M. Claus, Esq. (Bar No. 15889)
Deputy Attorney General
11 *Attorneys for Defendants*

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13 **IT IS SO ORDERED.**

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16 **U.S. Magistrate Judge**

17 **Date: October 15, 2024**
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